

---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: H-4499.1/02

ATTY/TYPIST: ML:mos

BRIEF DESCRIPTION:

3 **ESSB 5831** - H COMM AMD

4 By Committee on Natural Resources

5  
6 Strike everything after the enacting clause and insert the  
7 following:

8 "Sec. 1. RCW 77.15.194 and 2001 c 1 s 3 (Initiative Measure No.  
9 713) are each amended to read as follows:

10 (1) It is unlawful to use or authorize the use of any steel-jawed  
11 leghold trap, neck snare, or other body-gripping trap to capture any  
12 mammal for recreation or commerce in fur.

13 (2) It is unlawful to knowingly buy, sell, barter, or otherwise  
14 exchange, or offer to buy, sell, barter, or otherwise exchange the raw  
15 fur of a mammal or a mammal that has been trapped in this state with a  
16 steel-jawed leghold trap or any other body-gripping trap, whether or  
17 not pursuant to permit.

18 (3) It is unlawful to use or authorize the use of any steel-jawed  
19 leghold trap or any other body-gripping trap to capture any animal,  
20 except as provided in subsections (4) and (5) of this section.

21 (4) Nothing in this section prohibits the use of a Conibear trap in  
22 water, a padded leghold trap, or a nonstrangling type foot snare with  
23 a special permit granted by (~~{the}~~) the director under (a) through  
24 (d) of this subsection. Issuance of the special permits shall be  
25 governed by rules adopted by the department and in accordance with the  
26 requirements of this section. Every person granted a special permit to  
27 use a trap or device listed in this subsection shall check the trap or  
28 device at least every twenty-four hours.

29 (a) Nothing in this section prohibits the director, in consultation  
30 with the department of social and health services or the United States  
31 department of health and human services from granting a permit to use  
32 traps listed in this subsection for the purpose of protecting people  
33 from threats to their health and safety.

34 (b) Nothing in this section prohibits the director from granting a  
35 special permit to use traps listed in this subsection to a person who  
36 applies for such a permit in writing, and who establishes that there  
37 exists on a property an animal problem that has not been and cannot be

1 reasonably abated by the use of nonlethal control tools, including but  
2 not limited to guard animals, electric fencing, or box and cage traps,  
3 or if such nonlethal means cannot be reasonably applied. Upon making  
4 a finding in writing that the animal problem has not been and cannot be  
5 reasonably abated by nonlethal control tools or if the tools cannot be  
6 reasonably applied, the director may authorize the use, setting,  
7 placing, or maintenance of the traps for a period not to exceed thirty  
8 days.

9 (c) Nothing in this section prohibits the director from granting a  
10 special permit to department employees or agents to use traps listed in  
11 this subsection where the use of the traps is the only practical means  
12 of protecting threatened or endangered species as designated under RCW  
13 77.08.010.

14 (d) Nothing in this section prohibits the director from issuing a  
15 permit to use traps listed in this subsection, excluding Conibear  
16 traps, for the conduct of legitimate wildlife research.

17 (5) Nothing in this section prohibits the United States fish and  
18 wildlife service, its employees or agents, from using a trap listed in  
19 subsection (4) of this section where the fish and wildlife service  
20 determines, in consultation with the director, that the use of such  
21 traps is necessary to protect species listed as threatened or  
22 endangered under the federal endangered species act (16 U.S.C. Sec.  
23 1531 et seq.).

24 (6)(a) As an alternative to issuing individual special permits  
25 under subsection (4)(b) of this section, the department may adopt rules  
26 that describe approved and disapproved manner, location, method, or  
27 other conditions for using the traps listed in subsections (1) and (3)  
28 of this section for the capture of moles, gophers, and mountain beaver.  
29 The rules must:

30 (i) Describe the manner, location, method, or other conditions  
31 under which the trapping of moles, gophers, and mountain beaver is  
32 approved;

33 (ii) Describe the activity that is exempt from the provisions of  
34 this section, if conducted in conformance with the rules;

35 (iii) Be published in pamphlets, which may provide other necessary  
36 information or educational materials designed to aid compliance with  
37 the approved manner and method provided by rule; and

1        (iv) Be provided by the department for free or, when determined by  
2 the fish and wildlife commission, for a fee that reasonably reflects  
3 the cost of publication, preparation, and distribution of the pamphlet.

4        (b) In adopting rules to implement this section, the department  
5 must ensure that the use of body-gripping traps is only allowed when  
6 alternatives to body-gripping traps are not feasible, efficient, or  
7 practicable."

8        Correct the title.

EFFECT: Requires the Department of Fish and Wildlife to develop rules for the trapping of moles, gophers, and mountain beaver, and publish those rules in pamphlets.

--- END ---